

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Janet Yde and Judith Kenyon,

Court File No. 14-CV-02849-PAM-HB

Plaintiff,

v.

Divine & Service, Ltd., d/b/a
D & S Recovery Solutions, Ltd.,
and Lonnie Larson, individually

Defendants.

**MOTION TO DISMISS OR TRANSFER VENUE, OR TO COMPEL
ARBITRATION BY DEFENDANTS DIVINE & SERVICE, LTD., D/B/A D & S
RECOVERY SOLUTIONS, LTD., AND LONNIE LARSON, INDIVIDUALLY**

Defendants Divine & Service, Ltd., d/b/a D & S Recovery Solutions, Ltd., and Lonnie Larson, individually (collectively “Defendants”), by and through their attorneys, respectfully moves this Court for an Order dismissing the Complaint of Plaintiffs Janet Yde and Judith Kenyon (collectively “Plaintiffs”) or transferring venue, or, in the alternative, to compel arbitration as follows:

1. For an Order dismissing Plaintiffs’ Complaint for improper venue pursuant to Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. § 1391;
2. For an Order transferring this matter to the United States District Court for the Western District of Texas on one of the following grounds:

(a) pursuant to 28 U.S.C. § 1406(a) based on the improper venue in this District; or

(b) pursuant to 28 U.S.C. § 1404(a) based on the convenience of the parties and witnesses, and in the interests of justice.

3. Or, in the alternative, to compel arbitration of Plaintiffs' claims pursuant to Plaintiffs' employment agreements and the Federal Arbitration Act, 9 U.S.C. §§ 1 *et seq.*

4. Defendants further move for judgment for such costs and disbursements as may be properly allowed under law and for such other relief as this Court deems just and equitable.

This Motion will be based upon all of the files, records and proceedings herein, including Defendants' Memorandum of Law to be filed in support of its Motion to Dismiss, supporting declarations, the exhibits attached thereto, the arguments of counsel, and the pleadings and documents of record.

Dated: August 21, 2014

LOMMEN ABDO, P.A.

s/Bryan R. Feldhaus

Keith J. Broady, #120972

Bryan R. Feldhaus, #386677

2000 IDS Center

80 South 8th Street

Telephone: 612-339-8131

Fax: 612-339-8064

kbroady@lommen.com; bryan@lommen.com

ATTORNEYS FOR DEFENDANTS